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PATENT

Attorney Docket No. 03804.0128
RPR Docket No. A2080US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
U.S. Patent No. 5,856,121)
Issued: January 5, 1999)
Inventors: David H. GORSKI et al.) Group Art Unit: Unassigned
Reissue Serial No.: Unassigned) Examiner: Unassigned
Filing Date of Reissue Appln.: December __, 2000)
For: GROWTH ARREST HOMEobox GENE (AS AMENDED)

ATTN.: BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REISSUE DECLARATION UNDER 37 C.F.R. § 1.175

We, David H. GORSKI, and Kenneth WALSH, both citizens of the United States with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint inventors of the subject matter which is described and claimed in United States Patent No. 5,856,121, granted on January 5, 1999, and for which a reissue patent is sought on the invention entitled, "GROWTH ARREST HOMEobox GENE."

2. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed herewith.

DECLARATION
Reissue Application of Patent No. 5,856,121
Attorney Docket No. 3804.0128

3. We acknowledge the duty to disclose information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

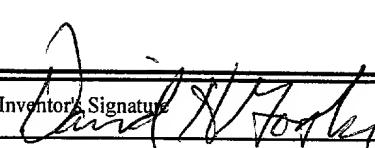
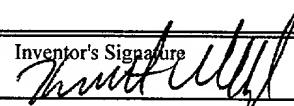
4. We believe that U.S. Patent No. 5,856,121 is at least partially inoperative or invalid by reason of our claiming more or less than we had a right to claim.

5. An error which is a statutory basis for reissue is that we failed to claim processes for expressing a Gax protein in a host cell. In addition, we failed to include a claim directed to a DNA molecule having nucleotides 749-931 of SEQ ID NO: 1.

6. The above-described error and all other errors corrected in this reissue application arose without any deceptive intent.

7. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION
Reissue Application of Patent No. 5,856,121
Attorney Docket No. 3804.0128

Full Name of First Inventor David H. GORSKI	Inventor's Signature 	Date 3/22/01
Residence 25 Arrowwood Lane, Monmouth Junction, New Jersey 08852	Citizenship USA	
Post Office Address Same as above		
Full Name of Second Inventor Kenneth WALSH	Inventor's Signature 	Date 01/12/01
Residence 207 Judy Farm Road, Carlisle, Massachusetts 01741	Citizenship USA	
Post Office Address Same as above		
Full Name of Third Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

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Full Name of Second Inventor Kenneth WALSH	Inventor's Signature 	Date 01/12/01
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Full Name of Third Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		

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Sir:

**CONSENT OF ASSIGNEE, OFFER TO SURRENDER
ORIGINAL PATENT, AND STATEMENT UNDER 37 C.F.R. § 3.73(b)**

U.S. Patent No. 5,856,121 is assigned to Case Western Reserve University, as assignee of the entire right, title and interest in said patent by virtue of an assignment recorded at Reel 8105, Frame 0165. Copies of these papers are attached.

Case Western Reserve University hereby consents to the accompanying application for reissue of U.S. Patent 5,856,121.

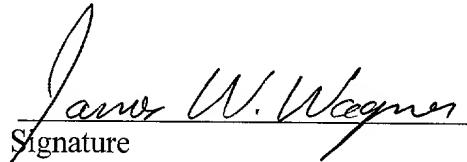
Case Western Reserve University hereby offers to surrender U.S. Patent 5,856,121, when the reissue application is otherwise in condition for allowance.

Reissue Application of U.S. Patent No. 5,856,121
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The undersigned, whose title is supplied below, is empowered to sign on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date



Signature

James W. Wagner

Name

Provost & University Vice President

Title